

REMARKS

Claims 1-12 remain pending in this patent application. Claims 1-6 stand withdrawn from further consideration as being drawn to a non-elected invention. Applicant explicitly reserves the right to file one or more divisional applications directed to the subject matter recited in the claims to the non-elected invention.

ENTRY OF AMENDMENTS

Applicant submits that the amendments to the claims presented in this paper more clearly define the invention and that, for reasons presented below, the application is in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner permit entry of these amendments. Alternatively, since the amendments clarify and simplify the issues that would be considered on appeal, Applicant requests that these amendments be entered for purposes of appeal, if an appeal to the Board of Patent Appeals and Interferences should become necessary.

PRIOR ART REJECTION

Claims 7-12 stand rejected under 35 USC § 103(a) as being unpatentable over JP 59-081059 (JP '059) in view of US 3640028 (Richard). Applicant traverses this rejection.

Without acquiescing in the rejection, in this paper, Applicant is proposing amendments to the claims that further clarify patentable departures from the prior art of record.

The attitude adjusting device and golf ball manufacturing method disclosed and claimed in this application is an improvement over the apparatus and method disclosed in JP '059, which is cited and discussed on page 2 of Applicant's specification.

The method and apparatus disclosed by Richard effects removal of molding flash from golf balls using a grinding wheel 11 having axially spaced annular grooves 12 in which a golf ball is received while undergoing removal of the molding flash. As shown, for example, in Fig. 1, a feedwheel 17 confronts grinding wheel 11. A golf ball 28 situated in a groove of the grinding wheel 11 and supported on bar 27 undergoes rotation due to its engagement with the rotating confronting wheels 11 and 17. The golf ball also undergoes random movements between the rotating wheels 11 and 17 due to a spray from nozzle 53 that impinges on the ball. As the golf

ball moves while engaging the grinding wheel, it is abraded over its entire surface, as described in column 2, lines 53-56 of Richard.

In the July 27, 2006 Office Action, the Examiner acknowledges that the apparatus and method disclosed in JP '059 does not employ a "roller including a portion having a small diameter which is concave along a surface of the golf ball," as specified in Applicant's independent claim 7. As a remedy for this deficiency of the JP '059 disclosure vis-à-vis the requirements of Applicant's claims, the Examiner proposes a modification of the JP '059 apparatus in which the rollers 14, 15 and 16, 17 of the JP '059 apparatus are provided with "a portion having a small diameter, which is concave." The Examiner contends that such a modification of the JP '059 apparatus would have been obvious in view of the disclosure in Richard of a grooved wheel that effects rotation of a golf ball.

In claim 7, with amendments proposed in this paper, rolling of the golf ball occurs "over a roller including a portion having a small diameter which is concave along a surface of the golf ball, the roller having a plurality of grooves on a surface of the portion having the small diameter." That is, claim 7, with amendments proposed herein, requires features that had been recited in claim 9, namely, (1) a roller including a portion having a small diameter that is concave along the surface of the golf ball *and* (2) a plurality of grooves on a surface of the portion having the small diameter." Applicant submits that a fair reading of the Richard disclosure could not be applied to the JP '059 apparatus to yield a modified apparatus having the features recited in claim 7, with amendments proposed herein. Claim 9, with amendments proposed herein, further recites the grooves as extending in an axial direction.

In the July 27, 2006 Office Action, the Examiner stated, without elaboration, "In regard to claims 9 and 12, such are taught by the above combination of JP 59-81059 and Richard."

In the rejection stated in the July 27, 2006 Office Action, the Examiner equates the grooves 12 in the Richard grinding wheel 11 with Applicant's claimed portion of the roller having a small diameter. In the Richard apparatus, there are no features *within grooves 12* that could also be fairly characterized as "grooves." So, even if the teachings in Richard were applied to the JP '059 apparatus as proposed by the Examiner, in the resulting modified JP '059 apparatus, while one or more of the rollers 14, 15 would apparently have a small diameter

portion engaging the golf ball, there would be no grooves *within the small diameter portion*. As noted above, the earlier iteration of claim 9 required a plurality of grooves on a surface of the portion having a small diameter." Clearly, no combination of the disclosures that the Examiner relied on could satisfy the requirements of the earlier iteration of claim 9, or of claim 7, as presented herein.

Advantageous performance of the attitude adjusting device is realized through the use of grooves within the portion of the roller having a small diameter. When a golf ball with flash, or a spew, is placed on a roller having a smooth surface, the rotational force of the roller is not easily imparted to the ball. In the device disclosed and claimed in this application, the flash of the golf ball enters the grooves, and the rotational force of the roller is reliably imparted to the ball, causing rolling of the ball that allows the attitude of the ball to be adjusted with a high success rate. When the flash abuts the stopper, it no longer engages the grooves, whereby the golf ball slips over the roller easily, and the adjusted attitude of the ball is maintained. Thus, the grooves achieve effective transfer of rotation to the ball from the roller and also prevent excessive force from being applied to the ball once the adjusted attitude is achieved.

As observed above, the wheel 11 in the Richard apparatus that has grooves 12 is a wheel that *grinds* a golf ball. It does not perform orientation of a golf ball that is *subsequently* subjected to grinding. In fact, in the Richard apparatus, no concern is given to the orientation of a golf ball to be ground. As noted above, an objective of the Richard method and apparatus is to expose *all* surfaces of a golf ball to the grinding wheel.

In the JP '059 apparatus, the rollers 14, 15 and 16, 17 serve only to orient a golf ball before it is presented to a grinder. Because the Richard method and apparatus do not perform any orientation of a golf ball as part of the grinding operation, Applicant submits that one of ordinary skill in the art would not have found it obvious from Richard's disclosure of grooves in a grinding wheel to add grooves to rollers of the JP'059 apparatus which do not perform any grinding, but instead have as their sole function to effect an orientation of a golf ball *prior* to grinding.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in JP '059 and Richard can properly serve as a basis for rejecting any of claims 7-12 under 35 USC § 103(a).

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be resolved expeditiously.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: May 29, 2007

Respectfully submitted,

By Frederick R. Handren #32874
for Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant